

**\*OGC Has Reviewed\***

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17 April 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Employee Access to Official Personnel Files

1. On 16 April at the request of [REDACTED] I 25X1A9a spoke with Mr. Pierce Myers of the Office of General Counsel, Civil Service Commission, concerning the right of an employee to review his official personnel folder (OPF) and "soft" or "shadow" file, where such a file exists. Mr. Myers stated that the Commission allows an employee to review his OPF but that before the review, certain information is removed from it. Information concerning the establishment of and access to OPFs is covered by Commission regulations set forth at 5 C. F. R. 293 and 294.703 (1973).

2. Medical information, which apparently is an integral part of a Civil Service employee's OPF file, may be disclosed to the employee, subject to the prudent physician rule, i. e., medical information concerning a mental or other condition of such a nature that a prudent physician would hesitate to inform a person suffering from it of its exact nature and probable outcome may be disclosed only to a licensed physician designated in writing by the employee (or his designated representative). 5 C. F. R. 294.401 (1973).

3. Mr. Myers informed me that the Commission maintains a separate security file on an employee, a system apparently similar to the one used by this Agency. The Commission's attitude is that an employee is not entitled to see his security file, unless adverse action is being taken based upon material in this file. In such a case, the employee apparently is not allowed to peruse the file but is allowed to examine summaries of the documents in the file which are the basis for the adverse action. See, 5 C. F. R. 294.601 (1973).

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4. In regard to a "soft" file, Mr. Myers indicated that the Commission's attitude is that anything in such a file which will be placed in the OPF or which is equivalent (undefined) to information in the OPF should be shown to an employee, upon his request and subject to the limitations set forth at 5 C. F. R. 294.703 (1973). Anything in such a file which is pertinent to an adverse determination or adverse action must also be shown to the employee, subject to the same limitations.

[REDACTED] 25X1A9a

Office of General Counsel

cc: DD/Personnel  
DD/OMS  
DD/Security